

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-02142-MGC

Davis et al v. The City of New York et al
Assigned to: Judge Miriam Goldman Cedarbaum
Referred to: Magistrate Judge Debra C. Freeman (Settlement)
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/13/2007
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Tyree Davis

TERMINATED: 12/08/2008

represented by **Anthony Chukwuka Ofodile**
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Brooklyn , NY 11217
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Elizabeth Elohim

TERMINATED: 12/08/2008

represented by **Anthony Chukwuka Ofodile**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Maxine Vesterhalt

represented by **Anthony Chukwuka Ofodile**
(See above for address)
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V.

Defendant

The City of New York

represented by **Craig Andrew Hanlon**
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LEAD ATTORNEY
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Defendant

Police Officer Mustafa
Shield No. 8703

Defendant

Police Officers John Does 1-8

Defendant

Detective Thomas Hourican
Shield # 7555

represented by **Philip Sebastian Frank**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Detective Robert Yaeger
Shield # 5676

represented by **Philip Sebastian Frank**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Detective Tracy Kupinski
Shield # 6863

represented by **Philip Sebastian Frank**
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ATTORNEY TO BE NOTICED

Defendant

Detective Thomas Driscoll
Shield #7187

represented by **Philip Sebastian Frank**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lieutenant Ruel Stephenson
28th Precinct

represented by **Philip Sebastian Frank**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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03/13/2007	<u>1</u>	COMPLAINT against John Does 1-8, The City of New York, Mustafa. (Filing Fee \$ 350.00, Receipt Number 608921) Document filed by Tyree Davis, Elizabeth Elohim, Maxine Vesterhalt.(tro) (Entered: 03/14/2007)
03/13/2007		SUMMONS ISSUED as to John Does 1-8, The City of New York, Mustafa. (tro) (Entered: 03/14/2007)
03/13/2007		Magistrate Judge Debra C. Freeman is so designated. (tro) (Entered: 03/14/2007)
03/13/2007		Case Designated ECF. (tro) (Entered: 03/14/2007)
05/08/2007	<u>2</u>	NOTICE OF APPEARANCE by Craig Andrew Hanlon on behalf of The City of New York (Hanlon, Craig) (Entered: 05/08/2007)
05/17/2007	<u>3</u>	STIPULATION: the time for defendant City of New York to answer or otherwise respond to the complaint is extended to 7/13/07. (Signed by Judge Miriam Goldman Cedarbaum on 5/16/07) (db) (Entered: 05/17/2007)
05/17/2007		Set Answer Due Date purs. to <u>3</u> Stipulation and Order as to The City of New York answer due on 7/13/2007. (db) (Entered: 05/17/2007)
06/12/2007		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum : Initial Pretrial Conference held on 6/12/2007. (tro) (Entered: 06/14/2007)
07/09/2007		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum : Status Conference held on 7/9/2007 at 11:00am for 9 min. (jmi) (Entered: 07/11/2007)
07/11/2007	<u>4</u>	ANSWER to Complaint with JURY DEMAND. Document filed by The City of New York. (Hanlon, Craig) (Entered: 07/11/2007)
11/06/2007	<u>5</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - NOTICE of Amended Complaint(AMENDED COMPLAINT). Document filed by Tyree Davis, Elizabeth Elohim, Maxine Vesterhalt. (Attachments: # <u>1</u> Blueback)(Ofodile, Anthony) Modified on 11/14/2007 (KA). (Entered: 11/06/2007)
11/14/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Anthony Chukwuka Ofodile to MANUALLY RE-FILE Document No. <u>5</u> Amended Complaint. This document is not filed via ECF. (KA) (Entered: 11/14/2007)
12/07/2007	<u>6</u>	ENDORSED LETTER addressed to Judge Miriam Goldman Cedarbaum from Anthony C. Odifile and Kathy A. Polias dated 12/3/07 re: Counsel for plaintiff's request leave to file an amended complaint. ENDORSEMENT: Request Granted. SO ORDERED. (Signed by Judge Miriam Goldman Cedarbaum on 12/7/07) (db) Modified on 1/8/2008 (db). (Entered: 12/07/2007)
12/07/2007	<u>7</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against Thomas Hourican, Robert Yaeger, Tracy Kupinski, Thomas Driscoll, Ruel Stephenson, The City of New York, Mustafa. Document filed by Tyree Davis, Elizabeth Elohim, Maxine Vesterhalt. Related document: <u>1</u> Complaint filed by Elizabeth Elohim, Maxine Vesterhalt, Tyree Davis. (jco) (Entered: 12/20/2007)
01/15/2008	<u>8</u>	NOTICE OF APPEARANCE by David M. Hazan on behalf of The City of New York (Hazan, David) (Entered: 01/15/2008)
02/27/2008	<u>9</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by The City of New York. Related document: <u>7</u> Amended Complaint, filed by Elizabeth Elohim, Maxine Vesterhalt, Tyree Davis.(Hazan, David) (Entered: 02/27/2008)
04/16/2008	<u>10</u>	NOTICE OF APPEARANCE by Philip Sebastian Frank on behalf of The City of New York (Frank, Philip) (Entered: 04/16/2008)

04/23/2008		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum: Discovery Hearing held on 4/23/2008. (jw) (Entered: 04/24/2008)
05/13/2008	<u>11</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Thomas Hourican, Robert Yaeger, Tracy Kupinski, Thomas Driscoll. Related document: <u>7</u> Amended Complaint, filed by Elizabeth Elohim, Maxine Vesterhalt, Tyree Davis.(Frank, Philip) (Entered: 05/13/2008)
05/20/2008	<u>12</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Ruel Stephenson. Related document: <u>7</u> Amended Complaint, filed by Elizabeth Elohim, Maxine Vesterhalt, Tyree Davis.(Frank, Philip) (Entered: 05/20/2008)
06/24/2008		MEMORANDUM TO THE DOCKET CLERK: Discovery Hearing. Discovery is to be completed by August 31, 2008. A joint pretrial order is to be submitted by October 1, 2008. A final pretrial conference is scheduled for October 7, 2008 at 10:30 a.m. Jury Trial Scheduled to begin on October 15, 2008 at 9:30 a.m. (djc) (Entered: 06/26/2008)
06/26/2008	<u>13</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Debra C. Freeman. (Please hold settlement conference in early September.) (Signed by Judge Miriam Goldman Cedarbaum on 6/26/08) (rw) (Entered: 06/26/2008)
09/26/2008		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum: Discovery Hearing held on 9/26/2008. The discovery period is extended by 30 days for the depositions of third party witnesses. Final Pretrial Conference set for 12/4/2008 at 10:30 AM before Judge Miriam Goldman Cedarbaum. Jury Trial set for 12/8/2008 at 09:30 AM before Judge Miriam Goldman Cedarbaum. (jpo) (Entered: 09/30/2008)
11/03/2008	<u>14</u>	STIPULATION: It is hereby stipulated to and agreed between the undersigned for the attorneys of record for the respective parties herein, that the deadline for plaintiffs to produce Davis and Richard Clay in (the above captioned case shall be extended from Friday, October 24, 2008 to Friday, October 31, 2008. So Ordered. (Signed by Judge Miriam Goldman Cedarbaum on 11/3/08) (js) (Entered: 11/05/2008)
12/08/2008	<u>15</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: It is hereby stipulated and agreed by and between the parties that this action is hereby dismissed with prejudice and without costs in excess of the amount specified herein. Defendant City of New York hereby agrees to pay plaintiff Elizabeth Elohim the sum of Fifty Thousand One Dollars (\$50,001.00) plus reasonable attorneys fees in full satisfaction of all claims. Defendant City of New York shall pay to plaintiff counsel, Anthony Ofodie, the sum total of Forty Thousand Dollars (\$40,000.00) in full satisfaction of all claims. (Signed by Judge Miriam Goldman Cedarbaum on 12/8/2008) (jpo) (Entered: 12/09/2008)
12/08/2008	<u>16</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE: Defendant City of New York hereby agrees to pay plaintiff Tyree Davis the sum of Forty Thousand Dollars (\$40,000.00) in full satisfaction of all claims, as set forth herein. (Signed by Judge Miriam Goldman Cedarbaum on 12/8/2008) (jpo) Modified on 12/29/2008 (jpo). (Entered: 12/09/2008)
04/28/2009		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum: Status Conference held on 4/28/2009. Counsel for plaintiffs inform the Court that although settlement papers were signed by all three plaintiffs, one plaintiff no longer wishes to pursue settlement, and has asked counsel not to submit the papers to the Court. Counsel for defendant advises the Court that the defendants will move to enforce the settlement, and thereafter, move for summary judgment in accordance with Her Honor's Individual Rules of Practice. (mro) (Entered: 05/01/2009)

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